

## REPORTS ANALYSIS REFERRAL

TO

OFFICE OF GENERAL COUNSEL

DATE March 17, 2005

ANALYST Robin Kelly

- I COMMITTEE Friends of Jack Orchulli  
C00394882  
Peter R. McIntosh, Treasurer  
25-13 Old Kings Highway, North, PMB 310  
Darien, CT 06820
- II RELEVANT STATUTE 2 U S C §441a-1(a)  
11 CFR §400 9 (a)  
11 CFR §400 21 (a)  
11 CFR § 400 22(a)  
11 CFR § 400 40(a)

## III BACKGROUND

**Millionaire Provision Reporting Problems (Failure to timely file 24-Hour Notice of Expenditure from Candidate's Personal Funds)**

The Friends of Jack Orchulli ("the Committee") failed to timely file four (4) 24-hour expenditures on a FEC FORM 10, totaling \$950,000, after exceeding the \$511,840 reporting threshold for expenditures from the candidate's personal funds designated for the 2004 General Election. See attached spreadsheet and specific expenditures in bold for further detail (Attachment 2)

On July 14, 2004, the Committee filed the 2004 July Quarterly Report. This report disclosed the receipt of five (5) loans, detailed on Schedule A, from the personal funds of Jack Orchulli ("the Candidate") totaling \$560,000. Of this total, a \$20,000 loan was made on April 22, 2004 and was designated for the 2004 Pre-Convention. The remaining four (4) loans totaling \$540,000 were designated for the 2004 General Election. This included a \$30,000 loan made on May 14, 2004, a \$30,000 loan made on June 4, 2004, a \$30,000 loan made on June 16, 2004 and a \$450,000 loan made on June 23, 2004 (Image 24020490824-25)

The loan received by the Committee on June 23, 2004 triggered and exceeded the reporting requirement threshold of \$511,840.00 which requires the filing of a 24-Hour

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**Notice of Expenditure from Candidate's Personal Funds (FEC FORM 10)<sup>1</sup>**

On October 7, 2004, a Request for Additional Information (RFAI) referencing the 2004 July Quarterly Report was sent to the Committee. The RFAI noted that the Committee may have failed to file a FEC FORM 10. Furthermore, the RFAI asked the committee to amend the original report and provide clarifying information or take corrective action (Image 24038532603)

On October 15, 2004, the Committee filed the 2004 October Quarterly Report. This report disclosed the receipt of two (2) loans, detailed on Schedule A, from the personal funds of the Candidate totaling \$350,000 and designated for the 2004 General Election. This included a \$250,000 loan made on September 13, 2004 and a \$100,000 loan made on September 16, 2004 (Image 24020902169). As of September 16, 2004, the total amount of expenditures made from the Candidate's personal funds for the 2004 General Election was \$890,000.

On October 18, 2004, Chantrie Heyden, the Office Manager for the Committee, called a RAD Analyst in regards to the RFAI sent on October 7, 2004. She expressed concern that she was not aware that a FEC Form 10 needed to be filed and also requested assistance in properly filling out the form. The Analyst advised Ms. Heyden that she would gather all applicable Committee information and call her back to discuss all requests in detail. The Analyst, however, was unable to reach Ms. Heyden that day and left a message (Attachment 3).

On October 19, 2004, Ms. Heyden called and spoke with another RAD Analyst who helped her fill out the FEC FORM 10. It was noted during the conversation that the FEC FORM 10 should have been filed in June 2004. The analyst advised her that subsequent FEC FORM 10's should be filed within forty-eight hours of when the candidate makes expenditures from personal funds that exceed \$10,000. Ms. Heyden asked what she could do since the forms were going to be late. The Analyst advised Ms. Heyden to file them as soon as possible (Attachment 4).

On October 21, 2004, the Committee filed the 2004 12 Day Pre-General Report. This report disclosed the receipt of one (1) loan, detailed on Schedule A, from the personal funds of the Candidate in the amount of \$150,000, which was made on October 11, 2004 and designated for the 2004 General Election (Image 24020941460). This contribution brought the total amount of expenditures from the Candidate's personal funds for the 2004 General Election to \$1,040,000.

On October 22, 2004, the Committee filed an FEC FORM 10. The FEC FORM 10 disclosed \$540,000 in total expenditures from the Candidate's personal funds for the

<sup>1</sup> The threshold requirement is calculated in the following manner: 2,648,000 (voting age population for Connecticut)  $\times$  08  $\div$  + \$300,000 = \$511,840. The chart listing each state's voting age population, the resulting threshold amounts and the relevant multiples thereof can be found in the March 2004 edition of *The Record*, Volume 30, # 3. Voting age population statistics were taken from information prior to July 2004 and were provided by the Census Bureau.

2004 general election cycle The amounts included \$30,000 made on 5/14/04, \$30,000 made on 6/6/04, \$30,000 made on 6/16/04 and \$450,000 made on 6/23/04 (Image 24020970529) The form was filed one-hundred and twenty (120) days late

Also, on October 22, 2004, another FEC FORM 10 was filed which disclosed \$500,000 in expenditures from the Candidate's personal funds for the 2004 General Election and a total of \$1,040,000 for the election cycle The amounts included \$250,000 made on 9/13/04, \$100,000 made on 9/16/04 and \$150,000 made on 10/11/04 Thus the subsequent FEC FORM 10's were filed thirty-eight (38) days late for the \$250,000 expenditure made on 9/13/04, thirty-five (35) days late for the \$100,000 expenditure made on 9/16/04, and ten (10) days late for the \$150,000 expenditure made on 10/11/04 (Image 24038584850)

On October 27 2004, the Committee filed a FEC FORM 10 The FEC FORM 10 disclosed \$55,000 in expenditures from the Candidate's personal funds for the 2004 General Election and a total of \$1,095,000 for the election cycle The amounts included \$35,000 made on 10/26/04 and \$20,000 made on 10/27/04 (Image 24020982673)

On December 2, 2004, the Committee filed the 2004 30 Day Post General Report This report disclosed the receipt of two (2) loans, detailed on Schedule A, from the personal funds of the Candidate totaling \$55,000 and designated for the 2004 General Election This total included a \$35,000 loan made on October 26, 2004 and a \$20,000 loan made on October 27, 2004 (Image 24021080979)

On February 10, 2005, RFAI's referencing the 2004 October Quarterly Report (Image 25038731324) and 2004 12 Day Pre-General Report (Image 25038731321) were sent to the Committee The RFAI's noted that the Committee may have failed to timely file a 24-Hour Notice of Expenditures from Candidate's Personal Funds (FEC FORM 10)

To date, no further communications have been received from the Committee regarding this matter

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ORCULLI, JACK C

ID #S4CT00146

FRIENDS OF JACK ORCULLI  
PETER R MCINTOSH  
FILING FREQUENCY QUARTERLY

25-13 OLD KINGS HIGHWAY NORTH

DARIEN

SENATE  
CT 06820

ID #C00384882

28044204060

FORM	TYPE	RPT TYPE	AI	PSI	REC DATE	POS	REG IMAGE	COVERAGE DATES	REG CASH	RECEIPTS	DISBURSE	END CASH	DEBTS BY
1				N	1/20/2004	7	24020012341						
1				N	1/21/2004	7	24020013419						
RS			4		4/28/2004	4	24020311216						
RS			4		4/28/2004	3	24020311430						
RS			4		4/28/2004	4	24020311571						
RS			4		4/28/2004	5	24020311425						
RS			4		4/28/2004	4	24020313380						
RS			4		10/20/2004	4	2402083398						
RS			X		10/22/2004	5	24038584847						
RS			X		10/22/2004	6	24020870627						
RS			X		10/27/2004	4	24038802141						
RS			X		10/27/2004	5	2402082871						
RQ		YE	2		6/06/2004	4	24038423591	10/01/2003 12/31/2003					
RQ		Q1	2		6/06/2004	4	24038423573	1/01/2004 3/31/2004					
RQ		12C	7		4/27/2004	2	24038384825	4/01/2004 4/18/2004					
RQ		Q2	2		10/07/2004	3	24038532903	4/19/2004 6/30/2004					
RQ		Q3	2		2/10/2005	3	25036731324	7/01/2004 9/30/2004					
RQ		12B	2		2/10/2005	3	25036731321	10/01/2004 10/13/2004					
RQ		308	2		2/17/2005	3	25036734398	10/14/2004 11/22/2004					
3		YE	N		1/27/2004	13	2402082837	10/01/2003 12/31/2003	0	42775	42775	0	42775
3		YE	A		6/23/2004	13	24020383345	10/01/2003 12/31/2003	0	42775	42775	0	42775
3		Q1	N		4/14/2004	66	24020230110	1/01/2004 3/31/2004	0	232430	214813	17616	272775
3		Q1	A		6/23/2004	72	24020383358	1/01/2004 3/31/2004	0	232430	214813	17616	270741
3		12C	N		4/28/2004	32	24020313329	4/01/2004 4/18/2004	17616	2310	15853	4072	272775

## FEDERAL ELECTION COMMISSION

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ORCIBULLI, JACK C

ID #34CT00148

FRIENDS OF JACK ORCIBULLI  
PETER R MCINTOSH  
FILING FREQUENCY QUARTERLY

28-13 OLD KINGS HIGHWAY NORTH

DARIEN

SENATE  
CT 08820

ID #C08384882

FORM TYPE	RPT TYPE	AI	PGI	REC DATE	PSS	BES IMAGE	COVERAGE DATES	BES CASH	RECEIPTS	DISBURSE	END CASH	DEBTS BY
3	Q2	N		7/14/2004	88	24020490801	4/19/2004 8/30/2004	4072	578732	137848	443157	830741
3	Q3	N		10/15/2004	181	24020802119	7/01/2004 9/30/2004	443157	380324	788034	28447	1180741
3	128	N		10/21/2004	39	24020841440	10/01/2004 10/13/2004	28447	158415	118108	88783	1330741
3	308	N		12/02/2004	72	24021080855	10/14/2004 11/22/2004	88753	78980	138028	10715	1385741
3	YE	N		1/31/2005	14	28020063447	11/23/2004 12/31/2004	10715	3800	142	14472	1388141
TOTAL									1478878	1482401		

**Friends of Jack Orshulka (C00304882)**  
**Candidate Expenditures from Personal Funds for 2004 General Election**

Expenditure Amount	Type of Expenditure	Receipt Date Listed on Report	Report Which Loan is Disclosed On		Yes	10/22/2004	Form 10 Not Required
\$30,000 00	Loan	5/14/2004	Q2 2004		Yes	10/22/2004	Form 10 Not Required
\$30,000 00*	Loan	6/4/2004	Q2 2004		Yes	10/22/2004	Form 10 Not Required
\$30,000 00	Loan	6/16/2004	Q2 2004		Yes	10/22/2004	Form 10 Not Required
\$450,000 00	Loan	6/23/2004	Q2 2004		Yes	10/22/2004	120
\$250,000 00	Loan	9/13/2004	Q3 2004		Yes	10/22/2004	36
\$100,000 00	Loan	9/16/2004	Q3 2004		Yes	10/22/2004	36
\$150,000 00	Loan	10/11/2004	12P 2004		Yes	10/22/2004	10
\$35,000 00	Loan	10/26/2004	30G 2004		Yes	10/27/2004	Filed Timely
\$20,000 00	Loan	10/27/2004	30G 2004		Yes	10/27/2004	Filed Timely

**Total General Election Expenditures**  
**\$1,115,000 00**

\* Please note, that the receipt date listed on the 2004 July Quarterly Report references a Candidate Loan of \$30,000 received on June 4, 2004. However, the receipt date listed on the FEC Form 10 for the \$30,000 loan indicates a receipt date of June 6, 2004.